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No. 03-1293 & 03-1294

Supreme Court, U.S.
FILED
AUG 11 2004
OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

DAVID WHITFIELD,
Petitioner,
v.
UNITED STATES OF AMERICA,

HAYWOOD EUDON HALL, aka DON HALL,
Petitioner,
v.
UNITED STATES OF AMERICA.

On Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

JOINT APPENDIX

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PETITIONS FOR CERTIORARI FILED MARCH 5, 2004 AND MARCH 10, 2004
CERTIORARI GRANTED JUNE 21, 2004

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CASE NO. 99-78-CR-T-25F

UNITED STATES OF AMERICA

v.

GERALD PAYNE, BETTY PAYNE, PATRICK TALBERT, HAYWOOD EUDON HALL, a/k/a DON HALL, DAVID WHITFIELD, ANDREW J. KRISHAK, and JAMES R. CHAMBERS.

INDICTMENT

The grand jury charges:

COUNT ONE
(CONSPIRACY)

A. Introduction

At times material to this Indictment:

1. Greater Ministries International, Inc. (hereinafter "GMI"), was a Florida corporation formed for the purported purpose of providing a vehicle for the operation of a Christian church. GMI operated out of a building located at 715 East Bird Street, Tampa, Florida.

2. The "Double Your Money Gift Exchange Program" (hereinafter "the fraudulent investment program") was an investment program which GMI, the defendants, and other conspirators operated and promoted. At various times, the fraudulent investment program was also named the "Double Your Blessing Gift Exchange Program", "Greater Trust Gift Exchange", and "Faith Promises Program." At various times,

it purportedly was administered by entities such as Greater Trust; I John 4:4; Greater Ministries International, Inc. of Grand Cayman B.W.I.; and Ultimate Pension Fund (UPF) Trust. Despite the name changes, the terms of the investment program remained essentially the same.

3. Defendant, GERALD PAYNE, was the President and a director of GMI. His wife, defendant, BETTY PAYNE, served as secretary and as a director of GMI.

4. "Gas money" was the term used by the defendants for commissions paid to GMI directors and "elders" for bringing investors into the fraudulent investment program. Directors and "elders" received five percent of the money invested by any person they recruited into the fraudulent investment program.

5. Defendant, HAYWOOD EUDON HALL, a/k/a DON HALL, was a director of GMI.

6. Defendant, PATRICK TALBERT, was a director of GMI and an "overseer" of GMI's "law department."

7. Defendant, DAVID WHITFIELD, was Secretary and Financial Director of GMI. He also owned and operated Heritage Courier Service.

8. Defendant, ANDREW J. KRISHAK, was GMI's Director of Disbursement of Funds. He and his wife also operated Good Shepherd Courier Service. KRISHAK also claimed to be a representative of the Bank of Nauru, purportedly a foreign chartered bank affiliated with GMI.

9. Defendant, JAMES R. CHAMBERS, was a GMI director. As a consequence of his holding this position, he received more than $400,000 in "gas money" from GMI.

B. The Conspiracy

10. Beginning at least as early as March 1993, and continuing through January 1999, in the Middle District of Florida, and elsewhere,

GERALD PAYNE, BETTY PAYNE, PATRICK TALBERT, HAYWOOD EUDON HALL, a/k/a DON HALL, DAVID WHITFIELD, ANDREW J. KRISHAK, and JAMES R. CHAMBERS,

did knowingly and willfully combine, conspire, confederate, and agree with one another, and with others both known and unknown to the grand jury, to commit the following offenses against the United States:

(A) to knowingly and willfully devise and attempt to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises and to cause items to be delivered by the United States mails according to the directions thereon for the purpose of executing said scheme and artifice, in violation of Title 18, United States Code, Section 1341;

(B) to knowingly and willfully devise and attempt to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretense, representations, and promises and to transmit and cause to be transmitted in interstate and foreign commerce, writings, signs, signals, and sounds for the purpose of executing said scheme and artifice, in violation of Title 18, United States Code, Section 1343; and

(C) to knowingly transport, transmit, and transfer in interstate and foreign commerce goods, securities, and money having a value in excess of $5,000, knowing the same to have been stolen, converted, and taken

by fraud, in violation of Title 18, United States Code, Section 2314.

C. Manner and Means

The manner and means utilized to accomplish the objects of the conspiracy included, among others, the following:

11. It was a part of the conspiracy that the defendants, and others, would and did solicit victim investors to place money into the fraudulent investment program.

12. It was further a part of the conspiracy that the defendants, and others, would and did represent and promise that fully twice the amount of money placed into the fraudulent investment program would be returned to victim investors in incremental payments within a 17 month period, according to a fixed schedule.

13. It was further a part of the conspiracy that in order to create the illusion that the fraudulent investment program was a solvent, profit generating enterprise earning sufficient returns to repay the victim investors within the specified times, the defendants, and others, would and did make periodic payments to victim investors which were purportedly returns on said victim's investments, but which were, in fact, payments made with funds obtained from later investors.

14. It was further a part of the conspiracy that the defendants, and others, would and did fail to disclose to the victim investors that five percent of their investment would be used to pay a commission to GMI directors or other conspirators.

15. It was further a part of the conspiracy that the defendants, and others, would and did fraudulently represent to the victim investors that their money would be used to conduct offshore trades of precious metals and foreign currency, on which the investment program would realize profits as high as forty percent.

16. It was further a part of the conspiracy that the defendants, and others, would and did make false statements to the victim investors in which the defendant and others fraudulently inflated the amounts of money previously paid into and repaid by the fraudulent investment program.

17. It was further a part of the conspiracy that the defendants and others would and did make false and fraudulent statements to the victim investors concerning the nature and amount of income producing assets owned or controlled by the fraudulent investment program, GMI, and its affiliated entities and the commercial activities by which the fraudulent investment program generated profits.

18. It was further a part of the conspiracy that the defendants, and others, would and did falsely and fraudulently represent to the victim investors that substantial amounts of the profits realized by the fraudulent investment program were used to finance charitable and religious programs operated by GMI and its affiliated entities.

19. It was further a part of the conspiracy that the defendants, and others, would and did invest only a small percentage of funds they received from victim investors.

20. It was further a part of the conspiracy that the defendants, and others, would and did attempt to mislead, and evade the jurisdiction of, state regulatory agencies by fraudulently characterizing each payment into the fraudulent investment program as a charitable contribution or gift to the church.

21. It was further a part of the conspiracy that the defendants, and others, would and did deal extensively in United States currency in order to avoid creating a paper trail and to conceal the fact that large amounts of victim investors' money was not being invested.

22. It was further a part of the conspiracy that the defendants, and others, in order to execute their scheme, would and did cause victim investors to use the United States mails to transmit funds to the fraudulent investment program and would and did transmit money, account statements, and promotional literature to victim investors through the United States mails.

23. It was further a part of the conspiracy that the defendants, and others, in order to promote their fraudulent scheme, would and did withdraw large amounts of investor funds, in United States currency, which they used to make periodic payments to earlier investors and to pay commissions to the directors and other conspirators.

24. It was further a part of the conspiracy that the defendants, and others, would and did withdraw investor funds from the fraudulent investment program's bank accounts in amounts greater than $10,000.

25. It was further a part of the conspiracy that the defendants, and others, would and did conduct their activities in a manner calculated to conceal and cover-up the fraudulent nature of the fraudulent investment program and to mislead and deceive victim investors, state regulatory authorities, and state and federal law enforcement agents.

D. Overt Acts

26. In furtherance of the conspiracy and to effect the objects thereof, the conspirators caused the following overt acts, among others, to be committed within the Middle District of Florida, and elsewhere:

(1) On or about November 18, 1994, defendant, BETTY PAYNE, cashed a check in the amount of $9,000 at Glendale Federal Bank.

(2) In or about December 1994, defendant, GERALD PAYNE, helped author and caused to be mailed copies

of the "Greater Share News" for the month of December 1994 which described the terms of the fraudulent investment program.

(3) On or about December 19, 1994, defendant, GERALD PAYNE, cashed two checks, each in the amount of $9,000, at Glendale Federal Bank.

(4) On or about December 20, 1994, defendant, GERALD PAYNE, cashed two checks, each in the amount of $9,000, at Glendale Federal Bank.

(5) On or about December 21, 1994, defendant, GERALD PAYNE, cashed one check in the amount of $9,000 at Glendale Federal Bank.

(6) On or about April 26, 1995, defendant, BETTY PAYNE, cashed a check in the amount of $100,000 at First Union Bank.

(7) In or about September 1995, defendant, JAMES R. CHAMBERS, met with Howard Brinkerhoff and solicited his participation in the fraudulent investment program.

(8) In or about early 1996, Randy Hester, an employee of GMI, delivered to the Tampa Airport post office branch envelopes stuffed with cash payments bound for Greater Ministries victim investors.

(9) In or about 1996, defendant, DAVID WHITFIELD, received $400,000 in cash from Best Bank and transported it from Colorado to Florida.

(10) In or about March 1996, defendant, JAMES R. CHAMBERS, received "gas money" in an amount in excess of $26,000.

(11) In or about May 1996, defendant, GERALD PAYNE, caused the distribution and mailing of the "Greater Share News" issue of May 1996.

(12) In or about June 1996, defendant, JAMES R. CHAMBERS, delivered a cash payment to victim investor Brad Groves.

(13) In or about June 1996, defendant, GERALD PAYNE, caused the mailing of literature promoting the "Greater Trust Gift Exchange".

(14) On or about August 12, 1996, defendant, JAMES R. CHAMBERS, made false and misleading statements to federal agents and denied that he had received from GMI any amount of "gas money" based upon a percentage of the funds which victim investors entered into the fraudulent investment program.

(15) On or about October 18, 1996, defendant, GERALD PAYNE, caused the transmission by wire of funds from Hamilton Bank, a financial institution located in the State of Florida, to Best Bank, a financial institution located in the State of Colorado.

(16) On or about April 25, 1997, defendants, GERALD PAYNE, BETTY PAYNE, ANDREW J KRISHAK, HAYWOOD EUDON HALL, a/k/a DON HALL, and PATRICK TALBERT, attended and participated in a fund raising meeting in Pennsylvania on behalf of the fraudulent investment program.

(17) On or about April 25, 1997, conspirators handed out an instruction sheet detailing "Questions for Use If Stopped by Any Government Agent" to audience members at a promotional meeting in Pennsylvania.

(18) On or about June 6, 1997, defendants, GERALD PAYNE, HAYWOOD EUDON HALL, a/k/a DON HALL, and PATRICK TALBERT attended and participated in a fund raising meeting in Ohio on behalf of the fraudulent investment program.

(19) In or about November 1998, defendant, GERALD PAYNE, authorized the purging of GMI records relating to the fraudulent investment program.

(20) On or about December 14, 1998, defendant, DAVID WHITFIELD, wrote an open letter discussing changes in the fraudulent investment program's procedures and caused that letter to be distributed to victim investors.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO
(THE MONEY LAUNDERING CONSPIRACY)

A. Introduction

1. The grand jury realleges and incorporates by this reference paragraphs 1 through 9 of Count One of this Indictment in their entirety as though fully set forth herein.

B. The Conspiracy

2. Beginning at least as early as March 1993, and continuing through in or about January 1999, in the Middle District of Florida, and elsewhere,

GERALD PAYNE, BETTY PAYNE, PATRICK TALBERT,HAYWOOD EUDON HALL, a/k/a DON HALL, DAVID WHITFIELD, ANDREW J. KRISHAK, and JAMES R. CHAMBERS,

defendants herein, did knowingly and willfully combine, conspire, confederate and agree with each other and with other persons both known and unknown to the grand jury, to:

(A) knowingly conduct and attempt to conduct a financial transaction involving the proceeds of a specified unlawful activity, that is, mail fraud, in violation of Title 18, United States Code, Sections 1341, with the intent to promote the

carrying on of such specified unlawful activities and with knowledge that the property involved represents the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i); and

(B) knowingly engage in and attempt to engage in monetary transactions, affecting interstate commerce, in criminally derived property of a value greater than $10,000, which was derived from specified unlawful activity, that is, mail fraud, in violation of Title 18, United States Code, Section 1341, in violation of Title 18, United States Code, Section 1957.

C. Manner and Means

3. The substance of the conspiracy and its manner and means are described in Paragraphs 11 though 25 of Count One of this Indictment, the allegations of which are realleged and incorporated by this reference as though fully set forth herein.

All in violation of Title 18, United States Code, Section 1956(h).

COUNTS THREE THROUGH SEVEN
(THE MAIL FRAUD COUNTS)

A. Introduction

1. The grand jury realleges and incorporates by this reference paragraphs 1 through 9 of Count One of this Indictment in their entirety as though fully set forth herein.

B. The Scheme

2. Beginning as least as early as March 1993, and continuing through January 1999, in the Middle District of Florida, and elsewhere,

GERALD PAYNE, BETTY PAYNE, PATRICK TALBERT, HAYWOOD EUDON HALL, a/k/a DON HALL, DAVID WHITFIELD, ANDREW J. KRISHAK, and JAMES R. CHAMBERS,

defendants herein, knowingly devised and intended to devise a scheme and artifice to defraud, and for obtaining money and property from, victim investors by means of false and fraudulent pretenses, representations and promises.

C. Manner and Means

3. The substance of the scheme and artifice, and its manner and means are described in paragraphs 11 through 25 of Count One of this Indictment, the allegations of which are incorporated by this reference as though fully set forth herein.

D. Execution of the Scheme

4. On or about the dates set forth below, in the Middle District of Florida, and elsewhere, for the purpose of executing the aforementioned scheme and artifice, and attempting to do so, the defendants did knowingly cause to be delivered by United States mail, according to the directions

thereon, envelopes bearing the addresses and containing the material set forth below:

Count	Date	Address	Material
THREE	3/16/96	Louis Phillips 17018 Crowley Road Odessa, Florida	Newsletter, statement of account, U.S. currency
FOUR	10/15/96	Sheldon Campbell 7152 Indian Bow Lane Sarasota, Florida	Newsletter, statement of account, U.S. currency
FIVE	3/15/97	Edith Thomas 5836 Fall River Drive New Port Richey, Florida	Newsletter, statement of account, U.S. currency
SIX	11/13/97	Lynn Hampton 3125 Thom Hill Road Winter Haven, Florida	Copy of donation, statement of account.
SEVEN	5/14/98	Lynn Hampton 3125 Thorn Hill Road Winter Haven, Florida	Statement of account, U.S. currency.

All in violation of Title 18, United States Code, Sections 1341 and 2.

COUNTS EIGHT THROUGH TWELVE
(THE MONEY LAUNDERING COUNTS)

On or about the dates set forth below, in the Middle District of Florida,

GERALD PAYNE, BETTY PAYNE, PATRICK TALBERT, HAYWOOD EUDON HALL, a/k/a DON HALL, DAVID WHITFIELD, ANDREW J. KRISHAK, and JAMES R. CHAMBERS,

defendants herein, knowing that the property involved in the financial transactions set forth below represented the proceeds of some form of unlawful activity, knowingly and willfully conducted, attempted to conduct and caused to be conducted, financial transactions affecting interstate and foreign commerce, ' which financial transactions involved the

proceeds of a specified unlawful activity, that is, mail fraud, in violation of Title 18, United States Code, Section 1341, with the intent to promote the carrying on of said specified unlawful activity:

Count	Date	Transaction
EIGHT	4/26/95	Cashing of a check in the amount of $100,000 drawn on First Union Bank account number 2090001418036.
NINE	5/18/95	Cashing of a check in the amount of $100,000 drawn on First Union Bank account number 2090001418036.
TEN	5/23/95	Cashing of a check in the amount of $100,000 drawn on First Union Bank account number 2090001418036.
ELEVEN	6/7/95	Cashing of a check in the amount of $50,000 drawn on First Union Bank account number 2090001418036.
TWELVE	6/20/95	Cashing of a check in the amount of $100,000 drawn on First Union Bank account number 2090001418036.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(l).

COUNTS THIRTEEN THROUGH SEVENTEEN
(THE UNLAWFUL MONETARY
TRANSACTION COUNTS)

On or about the dates listed below, in the Middle District of Florida,

GERALD PAYNE,
BETTY PAYNE,
PATRICK TALBERT,
HAYWOOD EUDON HALL, a/k/a DON HALL,
DAVID WHITFIELD,
ANDREW J. KRISHAK,
and
JAMES R. CHAMBERS,

defendants herein, did knowingly and willfully engage in and attempt to engage in the monetary transactions set forth below, which transactions affected interstate commerce, in criminally derived property of a value greater than $10,000, such property having been derived from a specified unlawful activity, that is, mail fraud, in violation of Title 18, United States Code, Section 1341:

Count	Date	Transaction
THIRTEEN	1/25/95	Cashing of a check in the amount of $100,000 drawn on Glendale Federal Bank account number 061006584003.
FOURTEEN	5/3/95	Cashing of a check in the amount of $100,000 drawn on First Union Bank account number 2090001418036.
FIFTEEN	5/31/95	Cashing of a check in the amount of $55,600 drawn on First Union Bank account number 2090001418036.

SIXTEEN	6/27/95	Cashing of a check in the amount of $100,000 drawn on First Union Bank account number 2090001418036.
SEVENTEEN	7/12/95	Cashing of a check in the amount of $100,000 drawn on First Union Bank account number 2090001418036.

All in violation of Title 18, United States Code, Sections 1957 and 2.

(THE UNLAWFUL STRUCTURING OF FINANCIAL
TRANSACTION COUNTS)
COUNT EIGHTEEN

Beginning on or about November 8, 1994, and continuing through on or about November 10,1994, in the Middle District of Florida,

GERALD PAYNE,

defendant herein, knowingly and willfully and for the purpose of evading the reporting requirements of Section 5313(a) of Title 31, United States Code, and the regulations promulgated thereunder, structured and attempted to structure a financial transaction with one or more domestic financial institutions, that is, the withdrawal of approximately $54,000 in United States currency from Glendale Federal Bank.

All in violation of Title 31, United States Code, Section 5324(3).

COUNT NINETEEN

Beginning on or about November 15, 1994, and continuing through on or about November 18, 1994, in the Middle District of Florida,

GERALD PAYNE,

defendant herein, knowingly and willfully and for the purpose of evading the reporting requirements of Section 5313(a) of Title 31, United States Code, and the regulations promulgated thereunder, structured and attempted to structure a financial transaction with one or more domestic financial institutions, that is, the withdrawal of approximately $81,000 in United States currency from Glendale Federal Bank.

All in violation of Title 31, United States Code, Section 5324(3).

COUNT TWENTY

Beginning on or about December 16, 1994, and continuing through on or about December 27, 1994, in the Middle District of Florida,

GERALD PAYNE,

defendant herein, knowingly and willfully and for the purpose of evading the reporting requirements of Section 5313(a) of Title 31, United States Code, and the regulations promulgated thereunder, structured and attempted to structure a financial transaction with one or more domestic financial institutions, that is, the withdrawal of approximately $99,000 in United States currency from Glendale Federal Bank.

All in violation of Title 31, United States Code, Section 5324(3).

FORFEITURE

1. The allegations contained in Count Two and Counts Eight through Twenty of this Indictment are realleged by this reference, and fully incorporated herein for the purpose of alleging forfeitures to the United States of America, pursuant to the provisions of Title 18, United States Code, Section 982.

2. As a result of the offenses contained in Count Two and Counts Eight through Twenty of this Indictment, defendants GERALD PAYNE, BETTY PAYNE, PATRICK TALBERT, HAYWOOD EUDON HALL, a/k/a DON HALL, DAVID WHITFIELD, JAMES R. CHAMBERS, and ANDREW J. KRISHAK, shall forfeit to the United States all property, real and personal, involved in the offenses stated above and all property traceable to such property, including but not limited to any and all interest defendants or any one of them have in the below described property, whether, legal, equitable or beneficial:

All real, personal, and intangible property constituting the premises, but not the business operation, known as: Executive Inn, Rivermont, One Executive Blvd., Owensboro, Kentucky 42301.

3. If any of the property described above is subject to forfeiture, as a result of any act or omission of the defendants:

a) Cannot be located upon the exercise of due diligence;

b) Has been transferred or sold to, or deposited with, a third party;

c) Has been placed beyond the jurisdiction of the court;

d) Has been substantially diminished in value; or

e) Has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States pursuant to Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of said defendants up to the value of the above-forfeitable property.

All in violation of Title 18, United States Code, Sections 982, 1956 and 1957, and Title 31, United States Code, Section 5324(3).

A TRUE BILL.

/s/ Thomas E. Sacks
THOMAS E. SACKS
FOREPERSON

CHARLES R. WILSON
United States Attorney

By: /s/ Robert A. Mosakowski
ROBERT A. MOSAKOWSKI
Assistant United States Attorney
United States Attorney No. 051

By: /s/ Jay L. Hoffer
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Assistant United States Attorney
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By: /s/ Robert T. Monk
ROBERT T. MONK
Assistant United States Attorney
United States Attorney No. 026
Chief, Economic Crimes Section

The Honorable James D. Whittemore's ruling on
Title 18, United States Code,
Section 1956(h) (DKT. 888, pp. 99-102)

[99] THE COURT: Until Title 21 came along, right? I mean, that wasn't a traditional conspiracy, it was a Congress intended to construct at least an act, a drug conspiracy statute. I am not trying to put you on the spot but, you know, I understand the principal. But when you are dealing with essential elements of a criminal statute, I am not sure that the Court has the judicial prerogative to engage in that type of analysis given the Supreme Court's decision in *Shabani* and the lack of reference to any overt act in the 1956(h) conspiracy.

[100] I am a little concerned about the reference in the Quantaro case by the Eleventh Circuit, but I think Mr. Mosakowski correctly points out that that wasn't really an issue in the case. It didn't approve or disapprove, it just recited those instructions.

It appears then that unless anybody has got any other cases, we have got the Sixth, Fifth and Eighth Circuits aligned in requiring the commission of an overt act in a 1956(h) conspiracy. We have the Ninth Circuit and the District Court in the Eastern District of New York not requiring an overt act. And then by analogy the rationale of *Shabani.*

And I will read right from that opinion. In discussing 21 U.S.C. Section 846 the court observed the language neither—excuse me, the language of neither version requires that an overt act be committed to further the conspiracy and we have not inferred such a requirement from congressional silence and other conspiracy statutes.

The *Tam* decision relies on that language in rejecting the argument that the money laundering conspiracy statute requires an overt act.

The cases that have found that the overt act is required do not discuss the *Shabani* decision. So when you get right down to the bottom line, *United* [101] *States versus Tam* is the only circuit opinion that expressly addresses the issue and also addresses the rationale in *Shabani*. It looks like it in the event of an appellate review, there will be a good issue here.

I am finding based on *United States versus Tam* and *United States versus Shabani*, S-H-A-B-A-N-I, United States Supreme Court decision reported at 513 United States Reporter, Page 10, that the plain language of Section 1956(h) does not require an overt act. And I cannot infer such a requirement from the absence of that. That didn't sound right but they use the phrase congressional silence and other conspiracy statutes.

I will in that ruling recognize the recitation of the District Court instructions in *United States versus Quantaro* at 165 F. 3rd, 831, but note that the Court did not expressly address the requirement of an overt act one way or the other. It simply recited those instructions as a part of its decision on the collateral estoppel issue.

And in the Eleventh Circuit decision, United States versus Tokars, T-O-K-A-R-S, 95 F. 3rd, 1520, that decision likewise did not expressly address the issue. It simply recited the argument of the defendant as it pertained to the sufficiency of the evidence.

It appears, therefore, that the Government's [102] instruction should be given. Just for the record, Mr. Mosakowski, what instruction was that?

MR. MOSAKOWSKI: I think it was 18, Judge.

THE COURT: Eighteen?

MR. MOSAKOWSKI: I think so.

THE COURT: I just want to have my draft in front of me as we speak.

MR. MOSAKOWSKI: Yeah, it's 18, Judge.

THE COURT: Okay. So that will be given with the—there were two or three just typographical errors.

Jury instruction for Title 18, United States Code,
Section 1956(h) and Section 1956(a)(1)(A)(I)
(Dkt. 890, pp. 154-159)

[154] Count Two of the indictment charges that each defendant participated in a separate conspiracy offense than what was charged in Count One. So Count Two charges a separate conspiracy offense from Count One.

Title 18, United States Code, Section 1956(h), makes it a crime for anyone to conspire with someone else to commit any offense defined in Section, 1956 or Section 1957.

In this case, the defendants are charged with, conspiring to launder and to engage in unlawful monetary transactions with the proceeds or funds represented to be the proceeds of a mail fraud scheme.

A "conspiracy" under Title 18, United States Code, Section 1956(h), is a combination or agreement of two or more persons to join together to accomplish some unlawful purpose. It's a kind of partnership in crime in which each member becomes the agent for every other member.

In order to establish a conspiracy offense under this section, it is not necessary for the Government to prove that all of the people named in the indictment were members of the scheme; or that those who [155] were members had entered into any formal type of agreement; or that the members had planned together all of the details of the scheme that the indictment charges would be carried out in an effort to commit the intended crime.

In order for you to find any defendant guilty of this crime, you must be convinced that the Government has proven each of the following elements beyond a reasonable doubt: First, that two or more persons, in some way or manner, came to a mutual understanding to try to accomplish a common and unlawful plan, as charged in the indictment; and, second, that

the defendant under consideration knowingly and willfully became a member-of such conspiracy.

One may become a member of a conspiracy without knowing all of the details of the unlawful scheme or the identities of all of the other alleged co-conspirators. If a defendant understands the unlawful nature of a plan or scheme on one occasion, that is sufficient to convict that defendant for conspiracy, even though that defendant did not participate before and even though the defendant played only a minor part.

Of course, mere presence at the scene of a transaction or event, or the mere fact that persons may have associated with each other and may have assembled [156] together and discussed common aims and interests does not necessarily establish proof of a conspiracy. Also, a person who has no knowledge of a conspiracy, but who happens to act in a way which advances some purpose of a conspiracy, does not thereby become a conspirator.

In your consideration of the conspiracy offense alleged in Coun Two of the indictment, you should first determine from all the evidence and testimony whether or not a conspiracy existed at all. If you conclude that a conspiracy did exist as alleged, you should next determine whether or not a defendant under consideration knowingly and willfully became a member of that conspiracy.

In this instance, with regard to the alleged conspiracy, the indictment charges that the defendants conspired to commit two separate, substantive crimes or offenses.

In such a case, it's not necessary for the Government to prove that the defendants under consideration willfully conspired to commit all of the substantive offenses. It would be sufficient if the Government proves, beyond a reasonable doubt, that the defendants willfully conspired with someone else to commit one of those offenses; but, in that event, in

order to return a verdict of guilty, you must unanimously [157] agree upon which of the offenses the defendants conspired to commit.

Title 18, United States Code, Section 1956(a)(1)(A)(I), makes it a federal crime or offense for anyone to knowingly engage in certain kinds of financial transactions commonly known as money laundering.

A defendant can be found guilty of that offense only if all of the following facts are proven by the Government beyond a reasonable doubt. The first element is that the defendant knowingly and willfully conducted or attempted to conduct a financial transaction, as defined subsequent; second, that the defendant knew that the funds or property involved in the financial transaction represented the proceeds of some unlawful activity; third, that the funds or property involved in the financial transaction did in fact represent proceeds of specified unlawful activity—in this case the proceeds of the mail fraud scheme; and fourth, that the defendant engaged in the financial transaction with the intent to promote the carrying on of such specified unlawful activity.

The term "conduct" means initiating, concluding, or participating in initiating or concluding a transaction.

The term "transaction" means a purchase, a [158] sale, loan, pledge, gift, transfer, delivery or other disposition of funds or property; and, with respect to a financial institution, includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or any other monetary instrument, or use of a safety deposit box.

The term "financial transaction" means a transaction which in any way or degree affects interstate or foreign commerce involving the movement of funds by wire or other means.

A "financial transaction" can also mean a transaction which in any way or degree affects interstate or foreign commerce involving one or more monetary instruments, which includes coin or currency of any country, travelers or personal checks, bank checks, money orders, or investment securities or negotiable instruments in such form that title thereto passes upon delivery.

Or a "financial transaction" could mean a transaction which in any way or degree affects interstate commerce or foreign commerce involving the transfer of title to any real property, meaning real estate, vehicle, vessel, or aircraft.

Or a "financial transaction" may mean a [159] transaction involving the use of a financial institution which is engaged in or the activities of which affect interstate or foreign commerce in any way or degree.

The term "financial institution" includes a bank.

The term "interstate or foreign commerce" includes any commercial activity that involves transportation or communication between places in two or more states or between some place in the United States and some place outside the United States.

The term "knowing that the funds or property involved in the financial transaction represents the proceeds of some form of unlawful activity" means that the defendant knew that the funds or property represented proceeds from some form, though not necessarily which form, of a felony offense under state or federal law.

And finally, the term "specified unlawful activity" means, in this case, a mail fraud scheme.

Judgment in a Criminal Case, 8:99-CR-78-T-27MSS, Haywood Eudon Hall, March 29, 2004 (Dkt. 1032)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

[Filed Mar. 19, 2001]

Case Number: 8:99-CR-78-T-27MSS
USM Number: 38296-018

UNITED STATES OF AMERICA,

vs.

HAYWOOD EUDON HALL, a/k/a DON HALL,
Defendant.

THE DEFENDANT:

__ pleaded guilty to count(s) of the

__ pleaded nolo contendere to count(s) which was accepted by the court.

X was found guilty on count(s) 1, 2, 4, 6, and 7 after a plea of not guilty.

TITLE & SECTION	NATURE OF OFFENSE	OFFENSE ENDED	COUNT
18 § 371	Conspiracy to Commit Mail Fraud, Wire Fraud, and to Transport Property Taken by Fraud Across State Lines	1/99	One
18 § 1956(h)	Conspiracy to Commit Money Laundering	1/99	Two
18 § 1341	Mail Fraud	10/15/96	Four
18 § 1341	Mail Fraud	11/13/97	Six
18 § 1341	Mail Fraud	5/14/98	Seven

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

X The defendant has been found not guilty on count(s) 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17.

__ Count(s) (s) (are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in economic circumstances.

Date of Imposition of Sentence: March 19, 2004

/s/ James D. Whittemore
JAMES D. WHITTEMORE
UNITED STATES DISTRICT JUDGE

Date: March 19th, 2004.

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of ONE HUNDRED THIRTY-SEVEN (137) MONTHS. Said term consists of SIXTY (60) MONTHS as to Counts 1, 4, 6, and 7, CONCURRENT; and, SEVENTY-SEVEN (77) MONTHS as to Count 2, CONSECUTIVE to Counts 1, 4, 6, and 7.

X The court makes the following recommendations to the Bureau of Prisons: The Court recommends confinement at Coleman.

X The defendant is remanded to the custody of the United States Marshal.

__ The defendant shall surrender to the United States Marshal for this district.

__ at __ a.m./p.m. on __.

__ as notified by the United States Marshall.

__ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons.

__ before 2 p.m. on __.

__ as notified by the United States Marshall

__ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

_____

_____

_____

Defendant delivered on _____ to _____ at_____, with a certified copy of this judgment.

_____

UNITED STATES MARSHALL

By: _____

Deputy Marshall

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of THREE (3) YEARS as to Counts 1, 2, 4, 6, and 7, CONCURRENT.

The defendant shall report to the probation office in the district to which defendant is released within 72 hours of release from custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug test thereafter, as determined by the court.

X The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable).

__ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable).

__ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable).

__ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works or is a student, as directed by the probation officer. (Check, if applicable).

__ The defendant shall participate in an approved program for domestic violence. (Check, if applicable).

If this judgment imposes a fine or restitution it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1) the defendant shall not leave the judicial district without the permission of the court or probation officer;

2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;

3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;

4) the defendant shall support his or her dependants and meet other family responsibilities;

5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;

6) the defendant shall notify the probation office at least ten days prior to any change in residence or employment;

The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;

8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;

10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;

11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;

12) the defendant shall not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the court;

13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall also comply with the following additional conditions of supervised release:

X The defendant shall provide the probation officer access to any requested financial information.

X The defendant shall be prohibited from incurring new credit charges, opening additional lines of credit, acquisitions or obligating himself for any major purchases, or attempting

to do so, without the express prior approval of the probation officer.

X The defendant shall perform 400 hours of community service during each year of supervision on such terms as directed by the probation officer. This community service may be substituted on an hourly basis for gainful employment where he is paid a wage. The defendant may also substitute ministry work with inmates in the federal and state prison system, outside the confines of a church setting.

X The defendant shall refrain from engaging in any employment related to financial investing involving charitable religious causes without the express permission of the probation officer.

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Fine	Total Restitution
Totals	$ 500.00	$ Waived	$85,030,412.00

__ The determination of restitution is deferred until___. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

X The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C.§ 3664(i), all nonfederal victims must be paid before the United States.

Name of Payee	Amount of restitution ordered
Mr. Kevin O'Halloran Office of the Chapter 11 of the Trustee, Greater Ministries International, Inc. P.O. Box 723657 Atlanta, Georgia 31139	$85,030,412.00

* To be made jointly and severally with co-defendants Gerald Payne, Betty Payne, Patrick Talbert, and David Whitfield.

To the extent that any victim receives compensation as a result of the bankruptcy proceedings, each victim's loss amount shall, for purposes of this Order of restitution, be reduced by the amount so recovered, pursuant to 18 U.S.C. § 3664(f)(2)(A).

(See Court's Order dated November 5, 2001, attached)

Totals: $___ $___

__ Restitution amount ordered pursuant to plea agreement $ _____.

__ The defendant shall pay interest on any fine or restitution of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the day of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

__ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

__the interest requirement is waived for the __ fine __ restitution.

__ the interest requirement for the __ fine __ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for the

offenses committed on or after September 13, 1994, but before April 23, 1996.

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A. __ Lump sum payment of $__ due immediately, balance due __ not later than_____, or __ in accordance __ C, __ D, E or __ F below; or

B. X Payment to begin immediately (may be combined with __ C, __ D, or X F below); or

C. Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of $_____ over a period of ____ (e.g., months or years), to commence ____ days (e.g., 30 or 60 days) after the date of this judgment; or

D. __ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of $_____ over a period of ____ (e.g., months or years), to commence ____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E. __ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time, or

F. X Special instructions regarding the payment of criminal monetary penalties:

The defendant shall immediately begin making nominal payments pursuant to 18 U.S.C. § 3664(f)(3)(B) and shall participate in the Bureau of Prisons' Inmate Financial Responsibility Program.

The Court reserves jurisdiction to determine monthly payment amounts if an agreement is not reached.

Unless the court has expressly ordered otherwise, if this judgment imposes a period of imprisonment payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

X Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:

HAYWOOD EUDON HALL, Gerald Payne, Betty Payne, Patrick Talbert, and David Whitfield. 8:99-CR-78-T-27MSS
$85,030,412.00 – Total amount

__ The defendant shall pay the cost of prosecution.

__ The defendant shall pay the following court cost(s):

__ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest (7) penalties, and (8) costs, including cost of prosecution and court cost.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

[Filed Nov. 5, 2001]

Case No. 8:99-CR-78-T-27MSS

UNITED STATES OF AMERICA,

vs.

GERALD PAYNE; *et al.*,

ORDER OF RESTITUTION

PURSUANT TO 18 U.S.C. § 3663A and § 3664, this Court conducted evidentiary proceedings on October 18, 2001 and November 1, 2001, for the purpose of determining appropriate restitution. Upon consideration of the evidence presented, together with arguments of the parties, the Court

FINDS AND CONCLUDES:

1. At sentencing, given the number of defendants, the scope of the criminal activities of which these Defendants were convicted, the extent of the monetary fraud established at trial and the complexities involved in determining restitution in this case, the Court reserved jurisdiction to determine the victims' losses. It was apparent to the Court that the victims' losses were not ascertainable within the time contemplated by § 3664(d)(5). The Court has now conducted evidentiary proceedings during which, in accordance with its burden of demonstrating the amount of loss sustained by the victims as a result of the offense by the preponderance of the evidence, the Government presented the testimony of Kevin O'Halloran, who has been and is the appointed Chapter 11 Trustee for Greater Ministries International, Greater Ministries International, the vehicle through which the Defendants perpetrated their fraudulent activities, was placed in involuntary bankruptcy prior to the trial of this cause. In O'Halloran's capacity as Chapter 11 Trustee, he has accounted for assets of the bankrupt estate, identified creditors and otherwise marshaled the assets and liabilities of the bankrupt estate. Over 24,000 individual creditors and vendors have been identified by O'Halloran as having participated in the operations of Greater Ministries and in excess of 6,600 proof of claims were filed in the bankruptcy proceeding. Those claims totaled $410,395,496.00 and the Trustee has or will be objecting to $323,427,065.00 of the submitted claims, which yields approximately $86,968,431.00 in potential allowable claims, of which $85,030,412.00 represents victim losses, meaning those individuals or entities who invested in the scheme perpetuated by the Defendants. O'Halloran was credible and persuasive in establishing each victim's loss.

2. At the request of the U.S. Probation Office, consistent with its duties pursuant to 18 U.S.C. § 3664(a), O'Halloran prepared a summary, listing each individual who had filed a proofof claim in the bankruptcy proceedings or for whom documentation established a claim in the bankruptcy proceeding and which O'Halloran either agreed to or would not object to, together with the amount representing each claimant's loss. This summary, together with copies of each individual's claim of lien, listing the individual, his/her address and amount claimed was received into evidence as Court's Exhibit #1, which the Court hereby incorporates as part of this Order. O'Halloran and his staff reviewed each proof of claim and determined their accuracy for purposes of establishing each individual's loss. During this process, O'Halloran eliminated duplicated claims, excessive claims and made appropriate adjustments to arrive at a net loss amount for each claimant. For example, in the event a claimant acknowledged or documentation established that the claimant had received cash from Greater Ministries to offset the amount the in-

dividual had invested or "gifted", as the Defendants are fond of saying, O'Halloran would subtract or adjust the claim by the amount received to arrive at an accurate loss amount.

3. In sum, the Court is persuaded by the greater weight of the evidence, specifically O'Halloran's testimony, that Court's Exhibit # 1 constitutes a reasonable estimate of each victim's loss, given all available information. *United States v. Futrell*, 209 F.3d 1286 (11th Cir. 2000). As *Futrell* acknowledges and as evidenced in this case, it is simply not practical or feasible to determine with precision the amount of loss in this case, given the scope of the fraud, the amount of money which flowed through Greater Ministries and the complexity of the Ponzi scheme these Defendants have been found guilty of participating in.

4. The Court has considered those factors set forth in 18 U.S.C. § 3663(a)(1)(B) and finds that the total loss amount for the victims who are identified in Court's Exhibit #1 is $85,030,412.00. Those individuals identified in O'Halloran's summary (and supporting documents) are "victims" within the definition of § 3663(a)(2) and § 3663A(2) in that each has directly and proximately been harmed as a result of the commission of the offenses for which these Defendants have been convicted and for which restitution must be ordered.

5. At sentencing, the Court adopted the undisputed statements of fact in each Defendant's Presentence Investigation Report. In each instance, the Defendants were individually determined to be indigent and without the financial means of making payments other than nominal payments pursuant to 18 U.S.C. § 3664(f)(3)(B).

Accordingly, it is

ORDERED AND ADJUDGED:

1. Each Defendant shall, jointly and severally, make restitution to each victim in the full amount of each victim's loss as set forth in Court's Exhibit #1, incorporated herein by reference.[1]

2. Each Defendant, with the exception of Patrick Talbert, who is presently in the custody of the State of Florida, shall immediately begin making nominal payments pursuant to 18 U.S.C. § 3664(f)(3)(B)and shall participate in the Bureau of Prisons' Inmate Financial Responsibility Program; With respect to Defendant Talbert, upon being taken into custody by the United States Bureau of Prisons, he shall likewise begin making nominal monthly payments and participate in the Bureau of Prisons' Inmate Financial Responsibility Program. In this regard, the Court finds from the facts in the record that the economic circumstances of each Defendant do not allow the payment of any amount of a restitution order and do not allow for payment of the full amount of a restitution order in the foreseeable future under any reasonable schedule of payments.

3. To the extent that any victim receives compensation as a result of the bankruptcy proceedings, each victim's loss amount shall, for purposes of this Order of restitution, be reduced by the amount so recovered, pursuant to 18 U.S.C. § 3664(f)(2)(A).

4. The Clerk is directed to amend the Final Judgments pursuant to the terms of this Order.

5. The United States of America, by and through its Assistant United States Attorneys, shall prepare a typewritten list including the names, addresses, amount of loss and

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[1] As there are more than 4,000 victims identified by O'Halloran's analysis, it is not practicable to list each victim and their individual loss in this Order.

bankruptcy proof of claim number for filing in this cause, from information contained in Court's Exhibit #1.[2]

DONE AND ORDERED in chambers this 2nd day of November, 2001.

/s/ James D. Whittemore
JAMES D. WHITTEMORE
United States District Judge

Copies to:
Counsel/Pro Se parties of Record

[2] The Court considers the reduction of the names, addresses and amounts of loss for each victim to a written list to be a ministerial act which is not intended to amend the final judgments in this cause. The list will assist the parties and the U.S. Probation Officers in their supervision of these Defendants and enforcement and monitoring of restitution payments made pursuant to this Order.

STATEMENT OF REASONS
(Not for Public Disclosure)

X THE COURT ADOPTS THE PRESENTENCE REPORT AND GUIDELINE APPLICATIONS WITHOUT CHANGE.

OR

☐ THE COURT ADOPTS THE PRESENTENE REPORT AND GUIDELINE APPLICATIONS BUT WITH THESE CHANGES: (Use Page 3, if necessary.)

- ☐ Chapter Two of the U.S.S.G. Manual determinations by court (including changes to base offense level or specific offense characteristics):
- ☐ Chapter Three of the U.S.S.G. Manual adjustment determinations by court (including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts, or acceptance of responsibility):
- ☐ Chapter Four of the U.S.S.G. Manual determinations by court (including changes to changes to criminal history category or scores, career offender, or criminal livelihood determinations):

☐ THE COURT ADOPTS THE PRESENTENCE REPORT WITH THESE COMMENTS OR FINDINGS (including comments or factual findings concerning certain information in the presentence report that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions. Specify court comments or findings, including paragraphs in the presentence report.) (Use Page 3, if necessary.)

GUIDELINE RANGE DETERMINED BY THE COURT (BEFORE DEPARTURES):

Total Offense Level: 33
Criminal History Category: 1
Imprisonment Range: 135 to 168 months
Supervised Released Range: 2 to 3 years
Fine Range: $17,500 to $120,000,000

☒ FINE WAIVED OR BELOW THE GUIDELINE RANGE BECAUSE OF INABILITY TO PAY.

☐ THE SENTENCE IS WITHIN THE GUIDELINE RANGE, THAT RANGE DOES NOT EXCEED 24 MONTHS AND THE COURT FINDS NO REASON TO SEPART.

OR

☒ THE SENTENCE IS WITHIN A GUIDELINE RANGE, THAT RANGE EXCEEDS 24 MONTHS, AND THE SPECIFIC SENTENCE IS IMPOSED FOR THESE REASONS: (Use Page 3, if necessary.)

The sentence meets the statutory purposes of sentencing.

STATEMENT OF REASONS
(Not for Public Disclosure)

ADDITIONAL PRESENTENCE REPORT AND GUIDELINE APPLICATION CHANGES
(If necessary.)

SPECIFIC SENTENCE IS IMPOSED FOR THESE REASONS
(If necessary.)

ADDITIONAL COMMENTS OR FINDINGS CONCERNING INFORMATION IN PRESENTENCE REPORT
(If necessary.)

ADDITIONAL REASONS FOR DEPARTING FROM THE GUIDELINE RANGE
(If necessary.)

Defendant's Soc. Sec. No.: 266-66-3819

Defendant's Date of Birth: April 15, 1941

Defendant's Residence Address: c/o Bureau of Prisons

_____

_____

Defendant's Mailing Address: Same

_____

_____

March 19, 2004
Date of Imposition of Judgment

/s/ J. Whittemore
Signature of Judge

James D. Whittemore
United States District Judge
Name and Title of Judge

3/19/04
Date Signed